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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

MARC SPITZER, Chairman
WILLIAM A. MUNDELL
JEFF HATCH-MILLER
MIKE GLEASON
KRISTIN K. MAYES

2005 JAN -6 P 3:01

AZ CORP COMMISSION
DOCUMENT CONTROL

IN THE MATTER OF:

AVIS READ, individually, on behalf of all similarly
situated,

Complainants,

v.

ARIZONA PUBLIC SERVICE COMPANY,

Respondent.

DOCKET NO. E-01345A-04-0657

Arizona Corporation Commission

DOCKETED

JAN 06 2005

DOCKETED BY

CM

DOCKET NO. E-01345A-03-0775

PROCEDURAL ORDER

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
DECLARATORY ORDER REGARDING BILL
ESTIMATION PROCEDURES.

BY THE COMMISSION:

On October 23, 2003, Arizona Public Service Company ("APS") filed an application requesting a declaratory order finding that its past and present procedures for bill estimation either are exempt from or comply with the requirements of A.A.C. R14-2-102 and R14-2-1612 ("Application for Declaratory Order").

On September 9, 2004, Avis Read ("Complainant"), on her own behalf and on behalf of a class of customers of APS filed a complaint ("Complaint") against APS.

On November 2, 2004, a Procedural Order was issued consolidating these matters and setting procedural dates.

On November 17, 2004, a Procedural Order was issued modifying dates for prefilng testimony.

On December 17, 2004, Staff filed a Motion to Extend Filing Deadline ("Motion"). Staff's Motion requested additional time for filing its Staff Report.

1 On December 21, 2004, APS filed its Response to Staff's Motion ("Response"). The
2 Response requested a corresponding extension of time for filing subsequent prefiled testimony and
3 exhibits.

4 On December 28, 2004, Staff filed its Staff Report "Staff Inquiry into the Usage Estimation,
5 Meter Reading, and Billing Practices of Arizona Public Service Company".

6 On January 5, 2005, a telephonic procedural conference was held to discuss the procedural
7 schedule for this matter. During the procedural conference, no party objected to the schedule set
8 forth in APS' Response. Accordingly, the procedural schedule in this consolidated matter should be
9 modified as requested by APS.

10 Pursuant to the Procedural Order issued November 2, 2004, the parties filed briefs on issues
11 related to class actions; the appropriate legal standard for evaluating APS' meter reading and bill
12 estimation practices; and whether and what kind of notice is appropriate.

13 The Commission has broad authority, both constitutional and statutory, to address the issues
14 raised by the Complaint as they affect the Complainant and other APS ratepayers. Staff has indicated
15 that it intends to examine APS' meter reading and billing estimation practices as a whole in order to
16 determine whether systemic problems are present. Therefore, it is unnecessary to certify a class in
17 order to address any relief to customers that the Commission may ultimately determine is required.
18 However, it is appropriate to provide some notice to APS customers of the Complaint, Application
19 and Staff's inquiry into these issues, and APS will be directed to publish notice of the hearing.

20 IT IS THEREFORE ORDERED the pre-hearing conference scheduled for January 18, 2005 is
21 hereby rescheduled to commence on January 31, 2005 at 2:00 p.m., or as soon thereafter as is
22 practical, at the Commission's offices, 1200 West Washington Street, Phoenix, Arizona.

23 IT IS FURTHER ORDERED that the Complainant and APS shall file any testimony and
24 exhibits in response to the direct testimony or exhibits filed by each other and any response to Staff's
25 initial written Staff Report on or before January 24, 2005.

26 IT IS FURTHER ORDERED that Staff shall file its direct testimony and exhibits related to
27 the Complaint and to the Application for Declaratory Order as well as any revisions to its initial
28 report, to be presented at hearing, on or before January 24, 2005.

1 IT IS FURTHER ORDERED that the Complainant and APS shall file any testimony and
2 exhibits related to Staff's direct testimony and exhibits at or before the January 31, 2005 pre-hearing
3 conference.

4 IT IS FURTHER ORDERED that APS shall provide public notice of the hearing in this
5 matter, in the following form and style with the heading in no less than 14 point bold type and the
6 body in no less than 10 point regular type:

7
8 **PUBLIC NOTICE OF HEARING ON THE APPLICATION FOR**
9 **DECLARATORY ORDER REGARDING BILL ESTIMATION PROCEDURES**
10 **BY ARIZONA PUBLIC SERVICE COMPANY (APS)**
11 **AND THE COMPLAINT OF AVIS READ AGAINST APS**
12 **DOCKET NUMBERS E-01345A-03-0775 & E-01345A-04-0657**

13 On October 23, 2003, Arizona Public Service Company, ("APS") filed an application
14 with the Arizona Corporation Commission (ACC) requesting a declaratory order
15 finding that its past and present procedures for bill estimation either are exempt from
16 or comply with the ACC's rules. On September 9, 2004, Avid Read filed a complaint
17 on her and others' behalf concerning APS' meter reading and billing practices. Copies
18 of APS' application and the Complaint are available at the Commission's offices at
19 1200 West Washington, Phoenix, Arizona, for public inspection during regular
20 business hours.

21 The Commission will hold a hearing on this matter beginning February 2, 2005 at
22 10:00 a.m. at the Commission's offices, 1200 West Washington, Phoenix, Arizona.
23 Public comments will be taken on the first day of the hearing. Written public
24 comments may be submitted via email (visit
25 <http://www.cc.state.az.us/utility/cons/index.htm> for instructions), or by mailing a letter
26 referencing Docket Numbers E-01345A-04-0657 & 01345A-03-0775 to: Arizona
27 Corporation Commission, Consumer Services Section, 1200 West Washington,
28 Phoenix, AZ 85007.

29 If you have any questions about this application, or want information on intervention,
30 you may contact the Consumer Services Section of the Commission at 1200 West
31 Washington Street, Phoenix, Arizona 85007 or call 1-800-222-7000.

32 The Commission does not discriminate on the basis of disability in admission to its
33 public meetings. Persons with a disability may request a reasonable accommodation
34 such as a sign language interpreter, as well as request this document in an alternative
35 format, by contacting the ADA Coordinator, voice phone number 602/542-3931.
36 Requests should be made as early as possible to allow time to arrange the
37 accommodation.

38 IT IS FURTHER ORDERED that APS shall cause the above notice to be published at least
39 once in a newspaper of general circulation in all its service territories, with publication to be
40 completed no later than January 16, 2005.

1 IT IS FURTHER ORDERED that APS shall file certification of publication as soon as
2 practicable after the publication has been completed.

3 IT IS FURTHER ORDERED that Staff shall cause the notice and its Staff Reports/Testimony
4 to be posted on the Commission's web site.

5 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
6 Communications) continues to apply to this proceeding.

7 IT IS FURTHER ORDERED that the Presiding Officer may rescind, alter, amend, or waive
8 any portion of this Procedural Order either by subsequent Procedural Order or by ruling at hearing.

9 Dated this 6th day of January, 2005

Lyn Farmer / by [Signature]
LYN FARMER
CHIEF ADMINISTRATIVE LAW JUDGE

10 The foregoing was mailed/delivered
11 this 6 day of January, 2005 to:

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By: *[Signature]*
Molly Johnson
Secretary to Lyn Farmer